

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RYAN HIGHHOUSE,	:	No. 3:16cv78
Plaintiff	:	
	:	(Judge Munley)
v.	:	
	:	
WAYNE HIGHLANDS SCHOOL DISTRICT;	:	
GREGORY FRIGOLETTO, individually and	:	
in his official capacity as Superintendent;	:	
DIANE SCARFALLOTO, individually and	:	
in her official capacity as Principal;	:	
JOHN KRETSCHMER, individually and in	:	
his official capacity as Vice Principal; and	:	
GORDON WEST, individually and in his	:	
official capacity as Teacher,	:	
Defendants	:	

.....

ORDER

AND NOW, to wit, this 7th day of September 2016, defendants' motion to dismiss (Doc. 14) is **GRANTED** in part and **DENIED** in part as follows:

The motion is **GRANTED** with respect to:

1. All claims against Defendants Gregory Frigoletto and Diane Scarfalloto. These defendants are **DISMISSED** from this action;
2. Plaintiff's federal civil rights claims against Defendants John Kretschmer and Gordon West in their official capacities are **DISMISSED** with prejudice;

3. Plaintiff's Fifth Amendment claim asserted in Count I is **DISMISSED** with prejudice; and
4. Plaintiff's claims under the Pennsylvania Constitution, Count II, are **DISMISSED** with prejudice.

The motion is **DENIED** in all other aspects.

BY THE COURT:

s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court